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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,734

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07/07/2010

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EXAMINER

ALAM, FAYYAZ

ART UNIT

PAPER NUMBER

2618

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,734	<b>Applicant(s)</b> KESKAR ET AL.	
	<b>Examiner</b> FAYYAZ ALAM	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 19-23 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 19-23 and 30-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to applicant's amendment/arguments filed on 5/5/2010.

**This action is made FINAL.**

#### ***Response to Arguments***

Applicant's arguments filed 5/5/2010 have been fully considered but they are not persuasive.

Applicant argues on pg. 6 that Hayduk does not teach or suggest many of the claim elements. For example, Claims 1, 19 and 30 include the element of "causing the mobile device to conform to the preferences and restrictions associated with the local area of coverage.

Examiner respectfully disagrees.

The limitation in question is met by Aburai. No arguments are presented with respect to Aburai and the limitation.

Applicant further argues on pgs. 7-8 that Hayduk merely shows that user preferences are sent to a broadcaster and appropriate information is then sent to the user's wireless device. This is in direct contrast to the scheme claimed herein where the supervisory device receives device configuration information regarding functions on the device and sends preference and restriction information to the wireless electronic device.

Examiner respectfully disagrees.

Hayduk **not only** discloses sending user preferences but also **sending** mobile device performance **capabilities 140**, i.e. "...device configuration information...regarding one or more functions...", to the broadcaster 104 (see [0018]). The applicant seems to ignore the **sending of the capabilities** by the wireless device to the broadcaster, where such information includes mobile device configuration and capabilities, for example, the ability of a device to display 256 colors (see [0019]).

Please also see rejection below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1, 19, and 30** are rejected under 35 U.S.C. 103(a) as being obvious over **Hayduk (USPN 2003/0054833)** in view of **Aburai et al. (USPN 2002/0090953)**.

Consider **claim 1**, Hayduk discloses a method, comprising: establishing a connection between a wireless electronic device and at least one supervisory devices associated with an area of wireless coverage (see [0012-0014;0018;0025-0027;0037;0039]; figs. 1 and 4 and associated text; where a connection is established between device 102 and 104); sending device configuration information associated with the wireless electronic device on the at least supervisory devices (see [0012-0014;0018;0025-0027;0037;0039]; figs. 1 and 4 and associated text; where device capabilities and preferences information are sent to the broadcaster 104 and said information is examined and based on a determination select information is broadcasted).

However, Hayduk does not explicitly disclose the at least one of the one supervisory devices sending preference and restriction information associated with the area of wireless coverage to the wireless electronic device; causing the one or more functions associated with the wireless electronic device to conform to the preference

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and restriction information associated with the area of wireless coverage received by the wireless electronic device from the at least one or more supervisory devices.

In the related field of endeavor, Aburai discloses the at least one of the one supervisory devices sending preference and restriction information associated with the area of wireless coverage to the wireless electronic device (see figs. 1-4,6-8,10-12 and associated text; where control information 105 sends **prohibited mode control signal**, i.e., preference and restriction information, to the mobile device 104); causing the one or more functions associated with the wireless electronic device to conform to the preference and restriction information associated with the area of wireless coverage received by the wireless electronic device from the at least one or more supervisory devices (see figs. 1-4,6-8,10-12 and associated text; where a state of the mobile device is set to **power-off or incoming-call sound off**, i.e., the functions of the mobile device).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Hayduk with the teachings of Aburai in order to remotely control the features and functions of a mobile terminal in a given restricted geographic area.

Consider **claim 19**, Hayduk discloses a system comprising: a wireless electronic device, wherein the wireless electronic device comprises logic to: establish a connection between the wireless electronic device and at least one supervisory device associated with an area of wireless coverage (see [0012-0014;0018;0025-0027;0037;0039]; figs. 1 and 4 and associated text; where a connection between device 104 and 105 is

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established); send device configuration information to the supervisory device regarding one or more functions associated with the wireless electronic device (see [0012-0014;0018;0025-0027;0037;0039]; figs. 1 and 4 and associated text; where device **capabilities and preferences information** are sent to the broadcaster 104 and said information is examined and based on a determination select information is broadcasted).

However, Hayduk does not explicitly disclose the supervisory device associated with the area of wireless coverage, comprising logic to: receive the device configuration information from the wireless electronic device; send preference and restriction information associated with the area of wireless coverage to the wireless electronic device, the preference and restriction information for causing the one or more functions on the wireless electronic device to conform to policies within the area of wireless coverage.

In the related field of endeavor, Aburai discloses the supervisory device associated with the area of wireless coverage, comprising logic to: receive the device configuration information from the wireless electronic device; send preference and restriction information associated with the area of wireless coverage to the wireless electronic device, the preference and restriction information for causing the one or more functions on the wireless electronic device to conform to policies within the area of wireless coverage (see abstract; figs. 1-4,6-8,10-12 and associated text; where control information 105 sends **prohibited mode control signal**, i.e., preference and restriction

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information, to the mobile device 104 and a state of the mobile device is set to **power-off or incoming-call sound off**, i.e., the functions of the mobile device).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Hayduk with the teachings of Aburai in order to remotely control the features and functions of a mobile terminal in a given restricted geographic area.

Consider **claim 30**, Hayduk discloses a supervisory device associated with an area of wireless coverage, comprising logic to: establish a connection with a wireless electronic device(see [0012-0014;0018;0025-0027;0037;0039]; figs. 1 and 4 and associated text; where a connection between device 104 and 105 is established); receive device configuration information from the wireless electronic device regarding one or more functions associated with the wireless electronic device(see [0012-0014;0018-0019;0025-0027;0037;0039]; figs. 1 and 4 and associated text; where device **capabilities and preferences information** are sent to the broadcaster 104 regarding the functionality of the mobile device and said information is examined and based on a determination select information is broadcasted); determine which of the one or more functions are available for use on the wireless electronic device in the area of wireless coverage and based on the determination, sending files and applications to the wireless electronic device (see [0012-0014;0018-0019;0025-0027;0037;0039]; figs. 1 and 4 and associated text).

However, Hayduk does not explicitly disclose sending preference and restriction information to the wireless electronic device regarding the operation policy of each of



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the one or more functions on the wireless electronic device within the area of wireless coverage.

In the related field of endeavor, Aburai discloses sending preference and restriction information to the wireless electronic device regarding the operation policy of each of the one or more functions on the wireless electronic device within the area of wireless coverage (see figs. 1-4,6-8,10-12 and associated text; where control information 105 sends **prohibited mode control signal**, i.e., preference and restriction information, to the mobile device 104 and a state of the mobile device is set to **power-off or incoming-call sound off**, i.e., the functions of the mobile device).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Hayduk with the teachings of Aburai in order to remotely control the features and functions of a mobile terminal in a given restricted geographic area.

**Claims 2-5, 20-23, and 31-34** are rejected under 35 U.S.C. 103(a) as being obvious over **Hayduk (USPN 2003/0054833)** in view of **Aburai et al. (USPN 2002/0090953)** and further in view of **Bates et al. (USPN 7,080,402)**.

Consider **claims 2, 20, and 31** as applied to respective claims, Hayduk as modified above does not explicitly disclose one or more priority levels associated with the area of wireless coverage and each of the one or more function of the wireless device.

In the related field of endeavor, Bates et al. disclose priorities are assigned to each geographic region, as well as, to each application/function (read as one or more

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priority levels associated with the area of wireless coverage and each of the one or more function of the wireless device) (see col. 3, lines 6 - 7; fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Hayduk as modified above with the teachings of Bates in order to further define the permissions and restrictions to mobile terminal features and functions and allow for robustness in access control.

Consider **claims 3, 21, and 32** as applied to respective claims, Hayduk as modified above does not explicitly disclose comparing the one or more priority levels associated with the area of wireless coverage with each of the wireless electronic device's function priority level; and setting permissions for the operation of each of the wireless electronic device's function based on the results of the comparison.

In the related field of endeavor, Bates et al. disclose that priorities are assigned to both the geographic region (read as area of wireless coverage) and electronic device (read as wireless electronic device) application/function and therefore the priorities may be compared. In addition, once the comparison has taken place the electronic device would restrict access to an application/function in a given geographic location (read as comparing the one or more priority levels associated with the local area supervisory devices to each wireless device function priority level; and setting permissions for the operation of each wireless device function based on the results of the comparison) (see col. 3, lines 6 - 13; col. 7, lines 3 - 35; fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Hayduk as modified above

with the teachings of Bates in order to further define the permissions and restrictions to mobile terminal features and functions and allow for robustness in access control.

Consider **claims 4, 22, and 33** as applied to respective claims, Hayduk as modified above discloses allowing the operation of functions that have a higher priority level than any supervisory device priority level; and disallowing the operation of functions that have a lower priority level than supervisory device priority level (see Aburai figs. 1--12 and associated text).

Consider **claims 5, 23, and 34** as applied to respective claims, Hayduk as modified above discloses the applications/functions are enabled by the user (read as settings most preferred by the user) and the function/application is allowed in the given geographic region (read as at least one supervisory devices) (see col. 8, lines 8 - 33).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Fayyaz Alam*

June 23, 2010

/Edward Urban/  
Supervisory Patent Examiner, Art Unit 2618